

PS Funding\138 Nobility Court - 138 Nobility LLC\Motion for Relief from Automatic Stay - proposed Order

CHARTWELL LAW

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as Owner Trustee of LH-NP-STRAT Delaware Owner
Trust, a Delaware Statutory Trust

In re:		: UNITED STATES BANKRUPTCY COURT
138 NOBILITY LLC,		: DISTRICT OF NEW JERSEY
Debtor.		: Trenton Vicinage
		: Chapter 7 Case No. 22-15395-KCF
US BANK TRUST NATIONAL		:
ASSOCIATION, not in its Individual		:
Capacity but Solely as Owner Trustee of		:
LH-NP-STRAT Delaware Owner Trust,		:
a Delaware Statutory Trust,		: Hearing Date: August 23, 2022, 10:00 A.M.
Movant,		: Responses Due: August 16, 2022
v.		: Oral Argument Requested if Opposed
138 NOBILITY LLC,		:
Respondent.		:
		:

Recommended Local Form: ☒ Followed ☐ Modified

**ORDER GRANTING MOTION, ALTERNATIVELY, FOR ADEQUATE PROTECTION,
RELIEF FROM THE AUTOMATIC STAY, TO PROHIBIT OR CONDITION
USE OF CASH COLLATERAL, OR DISMISSAL OF CASE, PURSUANT TO
11 U.S.C. §§105(a), 361(2), 362(d)(1), 362(d)(2), 363(a), (c)(2) AND (e), AND 707(a)(1),
FILED ON BEHALF OF U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS
INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE OF LH-NP-STRAT
DELAWARE OWNER TRUST, A DELAWARE STATUTORY TRUST**

The relief set forth on the following pages, numbered two (2) and three (3), is hereby
ORDERED.

Dated: _____, 2022
Trenton, New Jersey

BY THE COURT:

Honorable Kathryn C. Ferguson
United States Bankruptcy Judge

In re 701 Delilah LLC, Chapter 7 Case No. 22-15395-KCF

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Order Granting Motion, Alternatively for Adequate Protection, Relief from the Automatic Stay, to Prohibit or Condition Use of Cash Collateral, or Dismissal of Case, Pursuant to 11 U.S.C. §§105(a), 361(2), 362(d)(1), 362(d)(2), 363(a), (c)(2) and (e), and 707(a)(1), filed on behalf of U.S. Bank Trust National Association, not in its individual capacity but solely as owner trustee of LH-NP-Strat Delaware Owner Trust, a Delaware statutory trust

THIS MATTER having been opened to the Court by **U.S. Bank Trust National Association, not in its individual capacity but solely as owner trustee of LH-NP-Strat Delaware Owner Trust, a Delaware statutory trust (“US Bank Trust”)**, by and through its counsel, upon Motion, Alternatively for Adequate Protection, Relief from the Automatic Stay, to Prohibit or Condition Use of Cash Collateral, or Dismissal of Case, Pursuant to 11 U.S.C. §§105(a), 361(2), 362(d)(1), 362(d)(2), 363(a), (c)(2) and (e), and 707(a)(1) (the “Motion”),¹ and good and sufficient notice of the hearing on the Motion having been provided, and the Court having considered the moving papers, the opposition thereto, if any, and the oral arguments of counsel, and the Court having determined that good cause exists for the entry of this Order,

IT IS ORDERED, that the Motion is **GRANTED**; and.

IT IS FURTHER ORDERED that automatic stay is hereby lifted to permit US Bank Trust to enforce its rights and remedies against the Debtor’s Property under its Mortgage and applicable state law, including, without limitation, continuing with execution on its Foreclosure Judgment and the prosecution of its Note/Guaranty Action to final judgment thereon, executing on such final judgment, and applying any Sheriff’s Sale or other proceeds to the Loan.

IT IS FURTHER ORDERED that the Debtor is prohibited from using any and all rents, revenues, issues and profits generated by or derived from the Property, and all proceeds thereof as same are or may be received from the Property, defined as “cash collateral” under 11 U.S.C. §

¹Defined terms appearing herein shall have the meaning ascribed to them in the Motion.

In re 701 Delilah LLC, Chapter 7 Case No. 22-15395-KCF

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Order Granting Motion, Alternatively for Adequate Protection, Relief from the Automatic Stay, to Prohibit or Condition Use of Cash Collateral, or Dismissal of Case, Pursuant to 11 U.S.C. §§105(a), 361(2), 362(d)(1), 362(d)(2), 363(a), (c)(2) and (e), and 707(a)(1), filed on behalf of U.S. Bank Trust National Association, not in its individual capacity but solely as owner trustee of LH-NP-Strat Delaware Owner Trust, a Delaware statutory trust

363 (“Cash Collateral”), for any purpose whatsoever, without prior application to and further Order of this Court.

IT IS FURTHER ORDERED that the Debtor shall immediately open a “debtor-in-possession” account, clearly designated as such (“DIP Account”), with an appropriate financial institution, approved by the United States Trustee, and deposit in such DIP Account any and all Cash Collateral as it is received.

IT IS FURTHER ORDERED that the Debtor shall, within ____ days, file a report of all Cash Collateral received since the Petition Date.

IT IS FURTHER ORDERED that the Movant shall serve a copy of this Order on the Debtor, any trustee and any other party who entered an appearance on the Motion.